

03-02-159

HDP/SB/21 based on PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☐**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|   |                             |                               |             |
|---|-----------------------------|-------------------------------|-------------|
| <b>TRANSMITTAL<br/>FORM</b><br>(to be used for all correspondence after initial filing) | <b>Application Number</b>   | 10/773,349                    |             |
|   | <b>Filing Date</b>          | February 6, 2004              |             |
|   | <b>First Named Inventor</b> | Curt D. Gilmore et al         |             |
|   | <b>Group Art Unit</b>       |                               |             |
|   | <b>Examiner Name</b>        |                               |             |
| <b>Total Number of Pages in This Submission</b>   | 9                           | <b>Attorney Docket Number</b> | 9895-000001 |

**ENCLOSURES (check all that apply)**

|   |  |  |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing<br>Parts under 37 CFR<br>1.52 or 1.53 | <input type="checkbox"/> Assignment Papers<br>(for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to<br>Group<br><input type="checkbox"/> Appeal Communication to Board of<br>Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s)<br>(please identify below): |
| <b>Remarks</b>  |  | <b>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.</b>  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|  |                                  |                      |                |                 |       |
|--|----------------------------------|----------------------|----------------|-----------------|-------|
| <b>Firm<br/>or<br/>Individual name</b> | Harness, Dickey & Pierce, P.L.C. | <b>Attorney Name</b> | Joseph R. Papp | <b>Reg. No.</b> | 20115 |
| <b>Signature</b>                       |                                  |                      |                |                 |       |
| <b>Date</b>                            | February 27, 2004                |                      |                |                 |       |

**CERTIFICATE OF MAILING/TRANSMISSION**

|   |                |                                   |                                  |
|---|----------------|-----------------------------------|----------------------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below. |                |                                   |                                  |
| <b>Typed or printed name</b>  | Joseph R. Papp | <b>Express Mail<br/>Label No.</b> | EV 406 074 617 US<br>(2/27/2004) |
| <b>Signature</b>  |                | <b>Date</b>                       | February 27, 2004                |

EV 406 074 617 US



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/773349  
Filing Date: February 6, 2004  
Applicant: Curt D. Gilmore, et al  
Group Art Unit: Unknown  
Examiner: Unknown  
Title: Error Proofing System For Portable Tools  
Attorney Docket: 9895-000001

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Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Submitted herewith for possible consideration by the Examiner in connection with the above identified patent application is an Information Disclosure Statement. This disclosure statement is being filed pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, as a means of complying with the duty of disclosure set forth in 35 CFR 1.56, and does not constitute a representation that the information submitted constitutes prior art.

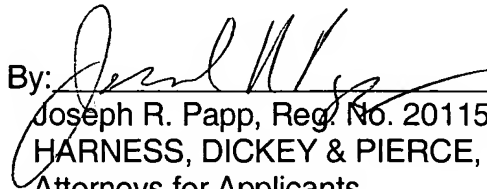
It is submitted that a review of all of the noted information shows that applicants' invention as defined by the claims is patentably distinguishable. The Examiner's careful, independent review of the cited references is invited as well as any inquiries or comments regarding the same.

Because the present application was filed after June 30, 2003, no copies of the U.S. patents which are listed on the attached Form 1449 are enclosed pursuant to

the waiver of 37 C.F.R. § 1.98(a)(2)(i).

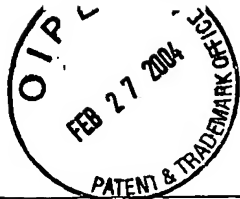
In view of the fact that a first Office Action has not been received and apparently not yet issued (37 C.F.R. 1.97(b)(3)), no fee is believed due. However, in the event a late fee is deemed necessary then payment of same can be made pursuant to the authorization enclosed.

Respectfully submitted,

By:   
Joseph R. Papp, Reg. No. 20115  
HARNESS, DICKEY & PIERCE, P.L.C.  
Attorneys for Applicants

Dated: February 27, 2004

P.O. Box 828  
Bloomfield Hills, Mi. 48303  
9895-000001



FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE  
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 1 of 5

ATTORNEY DOCKET NO.

9895-000001

SERIAL NO.

10/773349

APPLICANT

Curt D. Gilmore

FILING DATE

February 6, 2004

GROUP

**U.S. PATENT DOCUMENTS**

| Ref. Desig. | Examiner's Initials | Document Number | Date       | Name              | Class/ Subclass | (If appropriate) Filing Date |
|-------------|---------------------|-----------------|------------|-------------------|-----------------|------------------------------|
| 1.          |                     | 2003/0037423A1  | 2/27/2003  | Siegel            |                 | 8/24/2001                    |
| 2.          |                     | 2003/0101578A1  | 6/5/2003   | Moriya et al      |                 | 12/25/2000                   |
| 3.          |                     | 2002/0029452A1  | 3/14/2002  | Cappa et al       |                 | 8/31/2001                    |
| 4.          |                     | 2002/0144832A1  | 10/10/2002 | Brandstrom et al  |                 | 11/29/2001                   |
| 5.          |                     | 3,792,632       | 2/19/74    | Pinkerton         |                 |                              |
| 6.          |                     | 3,963,364       | 6/15/76    | Lemelson          |                 |                              |
| 7.          |                     | 3,967,356       | 7/6/76     | Holt              |                 |                              |
| 8.          |                     | 3,990,805       | 11/9/76    | Ducrohet          |                 |                              |
| 9.          |                     | 4,051,351       | 9/27/77    | Mallick Jr. et al |                 |                              |
| 10.         |                     | 4,056,329       | 11/1/77    | Perry             |                 |                              |
| 11.         |                     | 4,090,802       | 5/23/78    | Bilz              |                 |                              |
| 12.         |                     | 4,425,061       | 1/10/84    | Kindl et al       |                 |                              |
| 13.         |                     | 4,520,446       | 5/28/85    | Sato              |                 |                              |
| 14.         |                     | 4,604,559       | 8/5/86     | Hawkes et al      |                 |                              |
| 15.         |                     | 4,615,093       | 10/7/86    | Tews et al        |                 |                              |
| 16.         |                     | 4,636,961       | 1/13/87    | Bauer             |                 |                              |
| 17.         |                     | 4,720,907       | 1/26/88    | Rapp              |                 |                              |
| 18.         |                     | 4,742,470       | 5/3/88     | Juengel           |                 |                              |
| 19.         |                     | 4,778,317       | 10/18/88   | Earle, III, et al |                 |                              |
| 20.         |                     | 4,787,136       | 11/29/88   | Majic             |                 |                              |
| 21.         |                     | 4,829,650       | 5/16/89    | Galard            |                 |                              |

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE  
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 2 of 5

ATTORNEY DOCKET NO.

SERIAL No.

9895-000001

10/773349

APPLICANT

Curt D. Gilmore

FILING DATE

GROUP

February 6, 2004

**U.S. PATENT DOCUMENTS**

| Ref. Desig. | Examiner's Initials | Document Number | Date     | Name            | Class/ Subclass | (If appropriate) Filing Date |
|-------------|---------------------|-----------------|----------|-----------------|-----------------|------------------------------|
| 22.         |                     | 4,893,025       | 1/9/90   | Lee             |                 |                              |
| 23.         |                     | 4,965,513       | 10/23/90 | Haynes et al    |                 |                              |
| 24.         |                     | 5,012,402       | 4/30/91  | Akiyama         |                 |                              |
| 25.         |                     | 5,062,747       | 11/5/91  | Chen            |                 |                              |
| 26.         |                     | 5,086,590       | 2/11/92  | Athanassiou     |                 |                              |
| 27.         |                     | 5,103,146       | 4/7/92   | Hoffman         |                 |                              |
| 28.         |                     | 5,124,622       | 6/23/92  | Kawamura et al  |                 |                              |
| 29.         |                     | 5,125,151       | 6/30/92  | Smart           |                 |                              |
| 30.         |                     | 5,150,529       | 9/29/92  | Collingwood     |                 |                              |
| 31.         |                     | 5,150,624       | 9/29/92  | Kaczmarek et al |                 |                              |
| 32.         |                     | 5,243,533       | 9/7/93   | Takagi et al    |                 |                              |
| 33.         |                     | 5,257,199       | 10/26/93 | Tsujino et al   |                 |                              |
| 34.         |                     | 5,349,735       | 9/27/94  | Kawase et al    |                 |                              |
| 35.         |                     | 5,484,026       | 1/16/96  | Susaki et al    |                 |                              |
| 36.         |                     | 5,675,887       | 10/14/97 | Gajewski et al  |                 |                              |
| 37.         |                     | 5,675,889       | 10/14/97 | Acocella et al  |                 |                              |
| 38.         |                     | 5,719,559       | 2/17/98  | Talbott et al   |                 |                              |
| 39.         |                     | 5,850,184       | 12/15/98 | Bailey et al    |                 |                              |
| 40.         |                     | 5,874,902       | 2/23/99  | Heinrich et al  |                 |                              |
| 41.         |                     | 5,911,456       | 6/15/99  | Tsubouchi et al |                 |                              |

Examiner:

Date Considered:

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| <p>FORM HDP-1449 (Based on Form PTO-1449)</p> <p><b>PATENT AND TRADEMARK OFFICE</b></p> <p><b>INFORMATION DISCLOSURE CITATION</b></p> <p>(Use several sheets if necessary)</p> <p>Sheet 3 of 5</p> | ATTORNEY DOCKET NO. | SERIAL NO. |
|  | 9895-000001         | 10/773349  |
|  | APPLICANT           |            |
|  | Curt D. Gilmore     |            |
|  | FILING DATE         | GROUP      |
|  | February 6, 2004    |            |

| U.S. PATENT DOCUMENTS |                     |                 |            |                            |                 |                              |
|-----------------------|---------------------|-----------------|------------|----------------------------|-----------------|------------------------------|
| Ref. Desig.           | Examiner's Initials | Document Number | Date       | Name                       | Class/ Subclass | (If appropriate) Filing Date |
| 42.                   |                     | 6,054,831       | 4/25/2000  | Moore et al                |                 |                              |
| 43.                   |                     | 6,058,598       | 5/9/2000   | Dixon et al                |                 |                              |
| 44.                   |                     | 6,122,398       | 9/19/2000  | Yokomae (nee Takano) et al |                 |                              |
| 45.                   |                     | 6,151,266       | 11/21/2000 | Henkels et al              |                 |                              |
| 46.                   |                     | 6,211,787       | 4/3/2001   | Yoshiike et al             |                 |                              |
| 47.                   |                     | 6,226,576       | 5/1/2001   | Torno et al                |                 |                              |
| 48.                   |                     | 6,240,613       | 6/5/2001   | O'Connor et al             |                 |                              |
| 49.                   |                     | 6,275,316       | 8/14/2001  | Tischer et al              |                 |                              |
| 50.                   |                     | 6,310,587       | 10/30/2001 | Villino et al              |                 |                              |
| 51.                   |                     | 6,344,817       | 2/5/2002   | Verzulli                   |                 |                              |
| 52.                   |                     | 6,369,472       | 4/9/2002   | Grimm et al                |                 |                              |
| 53.                   |                     | 6,375,395       | 4/23/2002  | Heintzeman                 |                 |                              |
| 54.                   |                     | 6,384,560       | 5/2/2002   | Kakino et al               |                 |                              |
| 55.                   |                     | 6,411,199       | 6/25/02    | Geiszler et al             |                 |                              |
| 56.                   |                     | 6,415,875       | 7/9/2002   | Meixner et al              |                 |                              |
| 57.                   |                     | 6,417,780       | 7/9/2002   | Naruke et al               |                 |                              |
| 58.                   |                     | 6,452,496       | 9/17/2002  | Van Horn et al             |                 |                              |
| 59.                   |                     | 6,480,108       | 11/12/2002 | McDonald                   |                 |                              |
| 60.                   |                     | 6,516,234       | 2/2/2002   | Kamiguchi et al            |                 |                              |
| 61.                   |                     | 6,527,280       | 3/4/2003   | Frauhammer et al           |                 |                              |

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| Examiner: | Date Considered: |
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| <b>FORM HDP-1449 (Based on Form PTO-1449)</b><br><br><b>PATENT AND TRADEMARK OFFICE</b><br><b>INFORMATION DISCLOSURE CITATION</b><br>(Use several sheets if necessary)<br><br>Sheet 4 of 5 | ATTORNEY DOCKET NO. | SERIAL No. |
|  | 9895-000001         | 10/773349  |
|  | APPLICANT           |            |
|  | Curt D. Gilmore     |            |
|  | FILING DATE         | GROUP      |
|  | February 6, 2004    |            |

| U.S. PATENT DOCUMENTS |                     |                 |            |                    |                 |                              |
|-----------------------|---------------------|-----------------|------------|--------------------|-----------------|------------------------------|
| Ref. Desig.           | Examiner's Initials | Document Number | Date       | Name               | Class/ Subclass | (If appropriate) Filing Date |
| 62.                   |                     | 6,534,942       | 3/18/2003  | Schmidhuber        |                 |                              |
| 63.                   |                     | 6,536,100       | 3/25/2003  | Sarh et al         |                 |                              |
| 64.                   |                     | 6,536,780       | 3/25/2003  | Baumann et al      |                 |                              |
| 65.                   |                     | 6,539,603       | 4/1/2003   | Bulow              |                 |                              |
| 66.                   |                     | 6,543,121       | 4/8/2003   | Speller, Jr. et al |                 |                              |
| 67.                   |                     | 6,587,184       | 7/1/2003   | Wursch et al       |                 |                              |
| 68.                   |                     | 6,622,762       | 9/23/2003  | Bergner et al      |                 |                              |
| 69.                   |                     | 6,628,993       | 9/30/2003  | Bauer              |                 |                              |
| 70.                   |                     | 6,629,247       | 9/30/2003  | Hall et al         |                 |                              |
| 71.                   |                     | 6,655,186       | 12/2/2003  | Pfleghar           |                 |                              |
| 72.                   |                     | 6,662,882       | 12/16/2003 | Hansson            |                 |                              |
| 73.                   |                     | 6,666,283       | 12/23/2003 | Frauhammer et al   |                 |                              |

| FOREIGN PATENT DOCUMENTS |                     |                 |      |         |                 |                    |
|--------------------------|---------------------|-----------------|------|---------|-----------------|--------------------|
| Ref. Desig.              | Examiner's Initials | Document Number | Date | Country | Class/ Subclass | Translation Yes No |
| 1.                       |                     |                 |      |         |                 |                    |

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|  | 9895-000001         | 10/773349  |
|  | APPLICANT           |            |
|  | Curt D. Gilmore     |            |
|  | FILING DATE         | GROUP      |
|  | February 6, 2004    |            |

| OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.) |                     |   |
|--|---------------------|---|
| Ref. Desig.  | Examiner's Initials |   |
| 1.   |                     | Associated Press Article July 13, 2003 "Wal-Mart may use tiny anti-theft radios". |

|           |                  |
|-----------|------------------|
| Examiner: | Date Considered: |
|-----------|------------------|

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.